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OFFICE OF PETITIONS

In re Patent No. 7,124,818 :
Issue Date: October 24, 2006 :
Application No. 10/678,963 : DECISION ON PETITION
Filed: October 3, 2003 :
Attorney Docket No. WEAT/0459 :

This is a decision on the petition under 37 CFR 3.81(b), filed June 21, 2007, to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **DISMISSED**.

Petitioner states that the correct assignee's name is Optoplan AS or Houston, TX, and that an incorrect assignee's name was included on the Part B - Fee(s) Transmittal form at the time of payment of the issue fee. Accordingly, petitioner requests that the front page of the patent be corrected to reflect Optoplan AS as the assignee.

37 CFR 3.81(b), effective June 25, 2004, reads:

After payment of the issue fee: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11 before issuance of the patent, and must include a request for a certificate of correction under § 1.323 of this chapter (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17(i) of this chapter. [Emphasis supplied.]

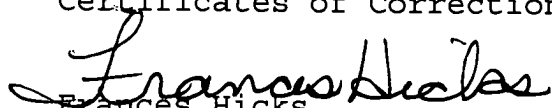
The request under 37 CFR 3.81(b) was not accompanied by the \$100 fee required for the request for a certificate of correction. As petitioner has failed to comply with the provisions of 37 CFR 3.81(b), the request cannot be granted at this time.

A review of Office database assignment records reflects that an assignment to Optoplan AS was recorded prior to the issuance of this application into a patent. Therefore, upon submission of the required certificate of correction and fee, it would be appropriate for the Office to issue a certificate of correction to correct the front page of the Letters Patent to reflect that Optoplan AS as the assignee of record at the time of issuance of the application into a patent. Note also 35 U.S.C. § 152.

In view of the above, the Certificates of Correction Branch is instructed to issue a certificate of correction upon submission by petitioner of the fee required for the certificate of correction which sets forth Optoplan AS as the assignee. No certificate of correction will be issued which sets forth an assignee other than the assignee set forth in this request. A copy of this decision must accompany a renewed request for a Certificate of Correction with fee.

No further renewed request under 37 CFR 3.81(b) is necessary for consideration by the Office of Petitions for issuance of a certificate of correction in the name of the assignee set forth in this request, since this decision operates as an instruction to the Certificates of Correction Branch to issue the requested certificate of correction upon submission of the \$100 fee therefor.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3218. Any questions concerning issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.


Frances Hicks
Petitions Examiner
Office of Petitions